



NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

REPORT

FALL 2008

GENERAL CONTRACTORS NEWSLETTERS ON-LINE	6	DISCIPLINARY ACTION (INCLUDING DEFINITIONS)	5
STAFF PROFILE: CHERIE SUTTON	7	FINAL DECISIONS	5
UNLICENSED CONTRACTOR CASES—INJUNCTIONS	12	REVOCATIONS OR SURRENDERS OF LICENSE	9
CONSENT ORDERS (UNLICENSED)	13	CONSENT ORDERS (LICENSEES)	10

Five New Rules Effective in 2008 Amended Rules Affect Financial Statements, Recovery Fund

The Licensing Board proposed six rules changes in early 2008, and five of the new rules became effective in July and August 2008. The new rules include changes to terminologies at 21 NCAC 12.0204 "Eligibility", paragraph (f), making the requirement for financial statements more consistent with current AICPA and GAAP standards. New .0205 "Filing Deadline/Qualifier", reflects the recent changes

in the licensing statute, extending from 30 days to 90 days the period a license remains in effect from actual termination date of any qualifier. Both .0819 "Hearing Request" and .0830 "Proposal for Decisions" correct previous rule citations. Also, amended .0901 "Definitions" changes Recovery Fund definitions of "owner or former owner" to make the rule consistent with N.C.G.S. 87-1.

(CONTINUED ON PAGE 2)

J. Allen Barnhill, Jr. Appointed to Licensing Board

Governor Michael Easley has appointed J. Allen Barnhill, Jr. to the Licensing Board for General Contractors. Mr. Barnhill's term began on the date of his appointment, April 15, 2008 and his term expires December 31, 2012. Barnhill, from Tarboro, joined Barnhill Contracting Company in 1977. In 2006 he became Senior Vice President of Barnhill Contracting and manages all aspects of the grading and paving operations of the Tarboro/Rocky Mount, Northeast and Brunswick

divisions. Barnhill is a graduate of North Carolina State University where he earned his degree in Civil Engineering. He is a member of the Carolinas Asphalt Paving Association and Carolinas AGC. Barnhill is also a past member of the North Carolina Sedimentation Control Commission. Designated as the highway contractor member of the Licensing Board, Mr. Barnhill succeeds former highway contractor Board member Graham T. Moore, whose term ended December 31, 2007.

NCLBGC REPORT

Published semi-annually as a service to general contractor licensees to promote a better understanding of the General Contractors Licensing law (N.C.G.S. §87-1 to 87-15.9) and to provide information of interest to construction professionals and the public

LICENSING BOARD CALENDAR

Veterans' Day/Board Office Closed
November 11, 2008

Thanksgiving/Board Office Closed
November 27 & 28, 2008

Christmas/Board Office Closed
December 24, 25 & 26, 2008

General Contractors Licenses Expire
December 31, 2008

New Year's Day/Board Office Closed
January 1, 2009

Martin Luther King Jr.'s Birthday/Board Office Closed
January 19, 2009

Regular Board Meeting
January 28, 2009

Regular Board Meeting
April 8, 2009

Good Friday/Board Office Closed
April 10, 2009

Memorial Day/Board Office Closed
May 25, 2009

Independence Day/Board Office Closed
July 3, 2009



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BOARD MEMBERS

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Fayetteville
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Cleve Paul, Goldsboro
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Jerry Smith, Goldsboro
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Kenneth McCombs, Field
Inv/South Central
Curtis Huff, Field Inv/North Central

Five New Rules Effective in 2008

(CONTINUED FROM PAGE 1)

The Licensing Board in 2007 also proposed a new rule for clarifying what type or limitation of license is required for multiunit building projects. .0211 "Multiunit buildings," would be applicable to costs of projects consisting of two or more units within a building, including apartments, condominiums and townhouses, and all the buildings collectively would be considered in determining the cost of the undertaking pursuant to G.S. 87-1. North Carolina Rules Review Commission approved the adoption of .0211 at its June 2008 meeting.

However, Rules Review Commission received ten objection letters requesting legislative review of the proposed rule. Due to the objections and legislative review necessary, the rule will have a delayed effective date during the next regular session of the General Assembly in 2009 unless action is taken by the General Assembly disapproving the rule.

Text of the five new rules is listed below and on pages 3 and 4. Text of approved .0211 "Multiunit buildings" is underlined.

SECTION .0900 – HOMEOWNERS RECOVERY FUND

21 NCAC 12 .0901 DEFINITIONS

The following definitions apply to the Board's administration of the Homeowners Recovery Fund established pursuant to Article 1A, Chapter 87 of the General Statutes:

- (1) "Constructing or altering" includes contracting for the construction or alteration of a single-family residential dwelling unit.
- (2) "Dishonest conduct" does not include a mere breach of a contract.
- (3) "Incompetent conduct" is conduct which demonstrates a lack of ability or fitness to discharge a duty associated with undertaking to construct or alter a single-family residential dwelling or the supervision of such construction or alteration.
- (4) "Owner or former owner" includes a person who contracted with a general contractor for the construction or purchase of a single-family residential dwelling unit. "Owner or former owner" does not include a person who is a spouse, child, parent, grandparent, sibling, partner, associate, officer, or employee of a general contractor whose conduct caused a reimbursable loss. In addition, the term does not include general contractors or any financial or lending institution, or any owner or former owner of a single-family residential dwelling unit which has been the subject of an award from the Homeowners Recovery Fund resulting from the same dishonest or incompetent conduct. "Owner or former owner" does not include the owner of real property who constructed, altered, or contracted for construction or alteration of a single-family residential dwelling unit without intending to occupy the single-family residential dwelling unit.
- (5) "Substantial completion" means that degree of completion of a project, improvement or specified area or portion thereof whereupon the owner can use the same for its intended use.
- (6) "Separately owned residence" means a building whose construction is governed by Volume VII of the North Carolina State Building Code.

SECTION .0200 – LICENSING REQUIREMENTS

21 NCAC 12 .0204

ELIGIBILITY

(a) Limited License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least seventeen thousand dollars (\$17,000.00);
- (3) Successfully complete 70 percent of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant; and
- (4) Provide to the Board an audited financial statement with a classified balance sheet as part of the application, if the applicant or any owner, principal, or qualifier is in bankruptcy or has been in bankruptcy within seven years prior to the filing of the application. This requirement does not apply to shareholders of an applicant that is a publicly traded corporation.

(b) Intermediate License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least seventy-five thousand dollars (\$75,000.00), as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy; and
- (3) Successfully complete 70 percent of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(c) Unlimited License. The applicant for such a unlimited license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least one hundred fifty thousand dollars (\$150,000.00), as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy;
- (3) Successfully complete 70 percent of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(d) In lieu of demonstrating the required level of working capital, an applicant may obtain a surety bond from a surety authorized to transact surety business in North Carolina pursuant to G.S. 58 Articles 7, 16, 21, or 22. The surety shall maintain a rating from A.M. Best, or its successor rating organization, of either Superior (A++ or A+) or Excellent (A or A-). The bond shall be continuous in form and shall be maintained in effect for as long as the applicant maintains a license to practice general contracting in North Carolina or until the applicant demonstrates the required level of working capital. The application form and subsequent annual license renewal forms shall require proof of a surety bond meeting the requirements of this Rule. The applicant shall maintain the bond in the amount of three hundred fifty thousand dollars (\$350,000) for a limited license, one million dollars (\$1,000,000) for an intermediate license, and two million dollars (\$2,000,000) for an unlimited license. The bond shall list State of North Carolina as obligee and be for the benefit of any person who is damaged by an act or omission of the applicant constituting breach of a construction contract or breach of a contract for the furnishing of labor, materials, or professional services to construction undertaken by the applicant, or by an unlawful act or omission of the applicant in the performance of a construction contract. The bond required by this Rule shall be in addition to and not in lieu of any other bond required of the applicant by law, regulation, or any party to a contract with the applicant. Should the surety cancel the bond, the surety and the applicant both shall notify the Board immediately in writing. If the applicant fails to provide written proof of financial responsibility in compliance with this Rule within 30 days of the bond's cancellation, then the applicant's license shall be suspended until written proof of compliance is provided. After a suspension of two years, the applicant shall fulfill all requirements of a new applicant for licensure. The practice of general contracting by an applicant whose license has been suspended pursuant to this Rule will subject the applicant to additional disciplinary action by the Board.

(e) Reciprocity. If an applicant is licensed as a general contractor in another state, the Board, in its discretion, need not require the applicant to successfully complete the written examination as provided by G.S. 87-15.1. However, the applicant must comply with all other requirements of [the rules in this Chapter](#) to be eligible to be licensed in North Carolina as a general contractor.

(f) Accounting and reporting standards. [Financial statements submitted by applicants to the Board shall conform to United States "generally accepted accounting principles" \(GAAP\). The Board shall accept non-GAAP financial statements where assets and liabilities are classified as "current" and "noncurrent" only from applicants who are individuals and the Board receives assurance from an independent accountant that the applicant possesses the required working capital. The Board shall accept non-GAAP financial statements from applicants who would be required, under FIN46R, to be combined with a separate entity into one financial statement and the Board receives assurance from an independent accountant that the applicant possesses the required working capital. The terminologies, working capital, balance sheet with current and fixed assets, and current and long term liabilities, used herein shall be construed in accordance with those standards referred to as "generally accepted accounting principles" \(GAAP\) as promulgated by the Financial Accounting Standards Board \(FASB\). The terminologies, audited financial statements and unqualified opinion, used herein shall be construed in accordance with these standards referred to as "generally accepted auditing standards" \(GAAS\).](#)

SECTION .0200 – LICENSING REQUIREMENTS

21 NCAC 12 .0205 FILING DEADLINE/ APP SEEKING QUAL/EMP/ANOTHER

(a) Any application made pursuant to G.S. 87-10 for a new applicant seeking qualification by employment of a person who has already passed an examination shall be completed and filed at least 30 days before any regular or special meeting of the Board. At such meeting, the Board shall consider the application. The regular meetings of the Board are in January, April, July and October of each year.

(b) The qualifier for the applicant shall be a responsible managing employee, officer or member of the personnel of the applicant, as described in G.S. 87-10 and Rule .0408(a) of this Chapter. A person may serve as a qualifier for no more than two licenses. A person may not serve as a qualifier under this Rule if such person has not served as a qualifier for a license of the appropriate classification for more than two years prior to the filing of the application found to be in complete order. Subject to the provisions of G.S. 150B and Section .0800 of these Rules, the Board may reject the application of an applicant seeking qualification by employment of a person who has already passed an examination if such person has previously served as qualifier for a license which has been disciplined by the Board.

(c) The holder of a general contractors license shall notify the Board immediately in writing as to the termination date in the event the qualifying individual or individuals cease to be connected with the licensee. After such notice is filed with the Board, or the Board determines that the qualifying individual or individuals are no longer connected with the licensee, the license shall remain in full force and effect for a period of 90 days from the termination date, and then be cancelled, as provided by G.S. 87-10. Holders of a general contractors license are entitled to reexamination or replacement of the qualifying individual's credentials in accordance with G.S. 87-10, but may not engage in the practice of general contracting for any project whose cost exceeds the monetary threshold set forth in G.S. 87-1 after the license has been cancelled, until another qualifying individual has passed a required examination.

PROPOSED RULES

21 NCAC 12 .0211 MULTIUNIT BUILDINGS

For the purposes of determining whether or not the cost of the undertaking is thirty thousand dollars (\$30,000) or more under G.S. 87-1, and whether or not the value of any single project falls within the license limitations established by G.S. 87-10(a), if a project consists of the construction or alteration of one or more buildings comprised of two or more units within each building, including apartments, condominiums, and townhomes, then all such buildings shall be considered in determining the cost of the undertaking under G.S. 87-1 and the value of the project under G.S. 87-10(a).

SECTION .0800 – CONTESTED CASES

21 NCAC 12 .0819 GRANTING OR DENYING HEARING REQUEST

(a) The Board shall decide whether to grant a request for a hearing.

(b) The denial of request for a hearing shall be issued immediately upon decision, and in no case later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons leading the Board to deny the request.

(c) Approval of a request for a hearing shall be signified by the issuing of a notice as required by G.S. 150B-38(b).

21 NCAC 12 .0830 PROPOSALS FOR DECISIONS

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings, 26 NCAC 03 .0127. Any party may file written exceptions to this "proposal for decision" and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals must be received within ten days after the party has received the "proposal for decision" as drafted by the administrative law judge.

(b) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter, must be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten days of the receipt of the proposal for decision. The written exceptions shall bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (Name of case).

(c) Any party may present oral argument to the Board upon request. The request must be included with the written exceptions.

(d) Upon receipt of request for further oral argument, Board staff shall issue notice to all parties designating time and place for such oral argument.

(e) Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered shall be a part of the record and a copy thereof given to all parties. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision shall be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision shall be rendered within 60 days of the next regularly scheduled board meeting following receipt of the written exceptions.

Disciplinary Action

(The following Board Orders and other Board disciplinary actions reported here are not a complete summary of all activity or a full representation of each case. Every effort is made for accuracy, but such is not guaranteed. Questions or requests for additional information about specific cases should be referred to the Board's Legal Section.)

Final Decisions

Troy A. White, Applicant for Examination as Qualifier for H. Richardson & Company (Durham County). An administrative hearing was conducted on November 14, 2007, and the Final Decision entered on November 27, 2007. The hearing was held to determine whether Mr. White should be allowed to take the Board's licensure examination as qualifier for a licensed contracting company. Based upon testimony and exhibits presented, the Board found that Mr. White, who was on supervised

probation until May 15, 2011 for conviction of criminal offenses, should not be allowed to take the license examination until he completes all probation required by the North Carolina Courts.

Timothy John Madigan and Timothy John Madigan, as Qualifier (Orange County; 05C326) License No. 17699. A disciplinary hearing was conducted on November 14, 2007, and the Final Decision entered on November 27, 2007. Testimony and exhibits showed that licensee held a

limited building license and had last renewed on January 26, 2007. For a fee, Mr. Madigan applied for a building permit with no intention of acting as general contractor for the project. He allowed an unlicensed entity to serve as general contractor for the project, which was abandoned before completion. The Board revoked both License No. 17699 and the examination credentials of Mr. Madigan.

(CONTINUED ON PAGE 6)

Definitions

Consent Order: An order of the Board resulting from an agreement between the Board and a licensee regarding the revocation or suspension of the license to practice general contracting, or the conditions, limitations or restrictions placed on that license. This is a method of resolving or settling disciplinary or contested cases in lieu of a disciplinary hearing.

Revocation: A Board action which permanently terminates a license by effectively withdrawing that license to practice general contracting.

Suspension: A Board action which inactivates a license to practice general contracting for a set period of time.

Dismissal/Voluntary Dismissal: A Board action dismissing a contested case, resulting in no disciplinary action against the licensee or Respondent.

Voluntary Surrender: A licensee's relinquishing or tendering of the license to practice general contracting, pending an investigation or other action by the Board.

Reprimand: A Board action wherein the licensee and/or qualifier is/are reprimanded for disciplinary purposes. The Reprimand becomes a permanent record in the file and is subject to approval by the licensee/qualifier in lieu of being referred to the full Board for formal proceedings.

Admission of Violation: A document signed by a licensee who admits to the stated violations, agrees not to repeat them, but acknowledges that the Board may use the document against the licensee prospectively should such action become necessary.

Injunction: A Superior Court order entered against an unlicensed contractor who is illegally practicing general contracting. Such an order stops the illegal practice and can be obtained by consent of a cooperating contractor or by default judgment; violation of the injunction is contempt of court.

Code: Provisions of the North Carolina State Building Code (Residential/Vol. VII and previous editions; General Construction/Vol. I).

Richard C. Miller t/a Construction and Richard C. Miller, as Qualifier (Currituck County; 06C79) License No. 28385. A disciplinary hearing was conducted on November 14, 2007, and the Final Decision entered on November 27, 2007. Testimony and exhibits showed that licensee held a limited building license and had last renewed on January 12, 2007. Mr. Miller purchased an original set of building plans signed and sealed by a professional engineer ("P.E."), which P.E. had prepared for another builder. Mr. Miller altered the plans, transferred P.E.'s seal to new plans, and submitted them to the Kill Devil Hills Planning Department. The Planning Department contacted P.E., who confirmed that the plans and his seal were used without his knowledge. Mr. Miller pled guilty to two counts of common law forgery. Both License No. 28385 and Mr. Miller's examination credentials were suspended for one year.

Paul M. Brody, as Qualifier (Mecklenburg County; 06C367, 06C306). A disciplinary hearing was conducted on February 13, 2008, and the Final Decision entered on February 27, 2008. Testimony and exhibits showed that Mr. Brody was the qualifier for Fox Home Construction, Inc., which held a limited residential license. The Board found that Mr. Brody was unresponsive to requests by purchasers to correct deficiencies, which constituted

misconduct in the practice of general contracting. In a second matter, the Board found the actions of Mr. Brody to be in violation of sections 501.2 and 801.2 of the N.C. State Building Code, Residential 2002 Edition. Floor, roof, and ceiling construction was not capable of supporting the loads imposed, and according to section R301, transmitting the resulting loads to the supporting structural elements. The Board revoked Mr. Brody's examination credentials.

J.E. Lewis Construction, Inc. and James "Jamie" Eugene Lewis as Qualifier (Jackson County; 06C167, 06C209, 06C385, 07C82). License No. 50609. A disciplinary hearing was conducted on February 13, 2008, and the Final Decision was entered on February 27, 2008. Testimony and exhibits showed that Mr. Lewis held a limited residential license and had last renewed April 6, 2006. In one construction project, the Board found that Mr. Lewis violated numerous sections of the N.C. State Building Code, Residential, 2002 Edition. In the other projects, Mr. Lewis took monies from homeowners, failed to pay suppliers, and/or abandoned projects. The Board concluded that all these actions constituted gross negligence, incompetence, and/or misconduct in the practice of general contracting and revoked License No. 50609 and Mr. Lewis' examination credentials.

Locklar Homes, LLC and Joseph V. Locklar, as Qualifier (Wake County; 06C495). License No. 57537. A disciplinary hearing was conducted on February 13, 2008, and the Final Decision was entered on February 27, 2008. Testimony and exhibits showed that Mr. Locklar held an unlimited building license that was last renewed November 30, 2006. During the construction project, Mr. Locklar affixed a professional engineer's ("P.E.") seal and signature on plans Mr. Locklar prepared and submitted the plans to Wake County to obtain a building permit. This was done without the P.E.'s consent or knowledge. The Board suspended License No. 57537 and the examination credentials of Mr. Locklar and renewal was denied until December 31, 2008.

Northstar Development Corporation and Anthony P. Stember, as Qualifier (Onslow County; 06C52, 07C464, 07C500). License No. 51191. A disciplinary hearing was conducted on February 13, 2008, and the Final Decision was entered on February 27, 2008. Testimony and exhibits showed that Mr. Stember held an unlimited building license that was last renewed March 2, 2007. For one construction project, Mr. Stember failed to obtain a building permit. In the other two projects, he violated numerous sections of the N.C. Residential Code, 2002 Edition in the construction of a dwelling.

General Contractors Newsletters On-line After 2009



The current edition (November 2008) of the Licensing Board newsletter (General Contractors Report) will be the final edition mailed to the public. Future issues of the "General Contractors Report" will be available by accessing the Licensing Board's website at www.nclbgc.org.

The Licensing Board, upon request, will mail a printed copy of individual newsletters after printing. Please contact the Licensing Board office by phone or in writing to request a copy of any edition after publication. You may call us at (919) 571-4183, facsimile requests to (919) 571-4703, or mail the request to NCLBGC, P.O. Box 17187, Raleigh, NC 27619.

Staff Profile

Cherie Sutton, License Renewal Manager

License Renewal Manager Cherie Sutton accepted a temporary clerical position in the Licensing Board office in 1994, anxious for an opportunity to work with the Board office staff. At the time, however, Cherie was unaware that she was on the verge of a new career. During her initial time as a full-time employee she learned much about license application approval and processing annual renewals. Since her promotion in 1999, she's been responsible for overseeing and managing license renewals. Under Cherie's direction, the renewal staff now reviews, approves, scans forms and handles deposits of receipts for 35,000 annual renewal applications.

Her work experience with the Board enabled Cherie to learn the importance of license renewals and applications. "My co-workers and I know that about all of our customers make a living at their chosen occupation, contracting. Our work here is serious to us, and we know general contractors take licensing seriously as well," she says. Cherie adds that she believes contractor licensing is necessary. "Licensing laws create a safe environment,

the restraints and regulations are in place to help protect the public. We're very much a part of that. Although here in the office we aren't contractors, we want to do our part to help with the process of obtaining a license." Cherie explains that one of her chief objectives as a Board employee is to thoroughly explain renewal requirements to the public, to help customers fully understand licensing rules and procedures.

Cherie grew up in Roxboro, North Carolina and her work history includes 19 years employed in customer service with a local telephone company. She's also proud of her previous work with a Federal grant program helping troubled teens, and she looks back on the time as a rewarding experience. "That work taught me so much, primarily that I'd been brought up in a fairly sheltered background. It made me appreciate my parents and family so much more," she says. Cherie's hobbies and interests include watching her favorite local college and high school athletic teams with husband Chester and her son Kyle. She also enjoys being a member (percussionist) of the



worship music team at her Raleigh church. "Music," Cherie says, "has the ability to reach everyone when sometimes mere words just cannot." She also has an interest in contemporary gospel music and writes songs in her spare time. "My goal is to write a timeless song, on the order of 'Amazing Grace'."

Cherie's advice to contractors concerning licensing? "When you call us, please do ask questions if you don't understand a requirement, rule or policy. It seems so basic, but as the saying goes—there really are no bad questions."

The Board concluded Mr. Stember's actions constituted gross negligence, incompetence, and/or misconduct in the practice of general contracting. The Board suspended both License No. 51191 and Mr. Stember's examination credentials for one year. The Board stayed the suspension for one year, provided licensee and qualifier commit no violation of NCGS Article 1, Chapter 38 during the one year stayed suspension. Mr. Stember also agreed to enroll in and complete an equivalent of two units of

Homebuilders Institute coursework or equivalent coursework approved by the Board during the one-year stay.

Brian Weber & Associates, LLC and Brian Keith Weber, as Qualifier (Iredell County; 07C77) License No. 50985. A disciplinary hearing was conducted on May 14, 2008, and the Final Decision entered on June 9, 2008. Testimony and exhibits showed that Mr. Weber held a limited building license and had last renewed on January 25,

2008. The Board found that Mr. Weber entered into a "site-management agreement" with an unlicensed general contractor, which constituted misconduct in the practice of general contracting. The Board reprimanded Mr. Weber and ordered him to pay Five Thousand Dollars (\$5,000) to the Board for reasonable administrative costs associated with the willful violations of NCGS Article 1, Chapter 87.

James Edward Cassell and James Edward Cassell, Qualifier (Rockingham County; 06C144) License No. 49155. A disciplinary hearing was conducted on June 11, 2008, and the Final Decision entered on June 19, 2008. Mr. Cassell held a limited residential license which was currently invalid. He had last renewed on February 14, 2007. The Board found that the actions of Mr. Cassell did not constitute gross negligence, incompetency, or misconduct in the practice of general contracting, and did not constitute a violation of G.S. §87-11(a). All charges against Mr. Cassell were dismissed.

Howard Construction, Inc. and Jeffrey Lee Howard, as Qualifier (Cherokee County; 07C72) License No. 51478. A disciplinary hearing was conducted on June 11, 2008 and the Final Decision entered on June 19, 2008. Mr. Howard held an intermediate building license and had last renewed on January 1, 2008. The Board found that the actions of Mr. Howard did not constitute misconduct in the practice of general contracting and did not constitute a violation of G.S. §87-11(a). All charges against Mr. Howard were dismissed.

AC Supportive Structures Inc. and Andrew T. Childres, as Qualifier (Catawba County; 08 C 97) License No. 51354. A disciplinary hearing was conducted on September 10, 2008 and the Final Decision was entered on October 7, 2008. AC Supportive Structures, Inc. was issued a limited building license, which was last renewed on January 8, 2007. The Board, after considering the testimony and exhibits presented during the hearing, found that during the course of construction of a single family dwelling, AC Supportive Structures, Inc. violated section R802.10.4 of the North Carolina Residential Building Code, 2002 Edition. After construction was approximately 35% complete, AC Supportive Structures, Inc. abandoned the project. After AC Supportive

Structures, Inc. abandoned the project, the homeowners were required to engage the services of professional engineer. Subsequent repairs were required due to errors committed by AC Supportive Structures, Inc. The actions of Licensee AC Supportive Structures, Inc. were directly attributable to its Qualifier Andrew T. Childres. AC Supportive Structures, Inc.'s License No. 51354 was revoked. The Board also revoked Andrew T. Childres' ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination.

Gary L. Marquart and Gary L. Maquart, as Qualifier (Jackson County; 08 C 36) License No. 57676. A disciplinary hearing was conducted on September 10, 2008 and the Final Decision was entered on October 7, 2008. Gary L. Marquart was issued a limited residential building license, which was last renewed on January 1, 2007. The Board, after considering the testimony and exhibits presented during the hearing, found that Gary L. Marquart commenced construction of a single family dwelling without requesting a building permit. Gary L. Marquart also failed to pay subcontractors and failed to pay for the building materials. In addition, the Board found that in Section 2 of his 2007 license renewal application, Gary L. Marquart failed to disclose that a judgment had been filed against him in Jackson County. The actions of Licensee Gary L. Marquart were directly attributable to the Qualifier Gary L. Marquart. Gary L. Marquart's License No. 57676 was revoked. The Board also revoked Gary L. Marquart's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination.

Otis Gregory Foster and Otis Gregory Foster, as Qualifier (Rockingham County; 07 C 397) License No. 45559. A disciplinary hearing was

conducted on September 10, 2008 and the Final Decision was entered on October 7, 2008. Otis Gregory Foster was issued a limited residential license which was last renewed on March 14, 2007. The Board, after considering the testimony and exhibits presented during the hearing, found that during the course of construction of a single family dwelling, Otis Gregory Foster violated numerous sections of the North Carolina Residential Building Code, 2002 Edition. The actions of Licensee Otis Gregory Foster were directly attributable to the Qualifier Otis Gregory Foster. Otis Gregory Foster's License No. 45559 was revoked. The Board also revoked Otis Gregory Foster's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination.

Reprimand (Licensees)

On April 10, 2008 the Review Committee issued Reprimands to the following persons or firms:

Andrew Roby, Inc. (Mecklenburg Co.; 07C132) License No. 2527.

Hussein Fuad Abaza (Pitt Co.; 07C68) License No. 54949.

Benjamin Lewis Barnes, II (Onslow Co.; 07C218) License No. 61160.

Woody Billings (Hyde Co.; 07C201) License No. 31125.

Morris Ted Collins (Gaston Co.; 07C368) License No. 46674.

Creekside Land Development Corporation (Orange Co.; 07C150) License No. 60384.



Harry Cummings, Jr. General Contractor, Inc. (Lenoir Co.; 07C257) License No. 41349

Frank Lill & Son, Inc. (South Carolina; 07C391) License No. 55764.

Galarde & Company, Inc. (New Hanover Co.; 06C412) License No. 40745.

Green Pointe Construction, LLC (Forsyth Co.; 08C20) License No. 60497.

Arthur Greenburg (Buncombe Co.; 08C01) License No. 55957.

Horizon Home Improvement, Inc. (Mecklenburg Co.; 07C379) License No. 38506.

Robert M. Hamby (Brunswick Co.; 07C467) License No. 54116.

Kyle Kellar Construction, Inc. (Gaston Co.; 07C409) License No. 49180.

Justice and Albury Construction, Inc. (McDowell Co.; 07C453) License No. 60393.

David F. Ramsey (Avery Co.; 07C566) License No. 44555.

Ranger Construction Co., Inc. (Mecklenburg Co.; 07C433) License No. 47056.

Shanklin Builders, Inc. (Alamance Co.; 07C17) License No. 30217.

Skyland Homes USA, Inc. (Cabarrus Co.; 07C205) License No. 61298.

Michael Aaron Speagle (Watauga Co.; 07C376) License No. 29472.

Stanley Builders, Inc. (Macon Co.; 07C541) License No. 55264.

Star Properties, Inc. (Mecklenburg Co.; 07C300) License No. 57934.

TyMel Contractors, Inc. (Onslow Co.; 06C50) License No. 50523.

VN Enterprises Corp. (Wake Co.; 06C398) License No. 60126.

Ward's Construction, Inc. (Brunswick Co.; 07C250) License No. 34439.

West Alliance Properties, LLC (Forsyth Co.; 08C21) License No. 61745.

Albert Bryan Williams (Sampson Co.; 07C24) License No. 14100.

On July 17, 2008 the Review Committee issued Reprimands to the following persons or firms:

Glen Partners, Ltd., LLC (Guilford Co.; 07C131) License No. 36867.

Neil Taft (Mecklenburg Co.; 07C407) License No. 41346.

Danco Builders (Mecklenburg Co.; 08C57) License No. 36692.

Richard Andrew Watson (Alamance Co.; 08C84) License No. 57303.

Sander's Contracting, Inc. (Transylvania Co.; 08C111) License No. 52224.

JME, Inc. (Henderson Co.; 08C165) License No. 35782.

Revocations or Surrenders of License

The Board considers surrender of license and examination credentials as permanent revocation of license and credentials.

William L. Isgett (Iredell Co.; 06C238) License No. 26131. On December 6, 2007, William L. Isgett voluntarily surrendered his license and examination credentials to the Board. The Board considers surrender of license and examination credentials as permanent revocation.

Robert M. Jackson (Onslow Co.; 05C228). On December 19, 2007, Robert Melvin Jackson voluntarily surrendered his examination credentials to the Board. The Board considers surrender of examination credentials as permanent revocation.

Sam S. Queen, Jr. t/a S and S Construction (Hoke Co.; 07C170)

License No. 60660. On December 19, 2007, Sam S. Queen, Jr. voluntarily surrendered his license and examination credentials to the Board. The Board considers surrender of license and examination credentials as permanent revocation.

David Kyle Stultz (Mecklenburg Co.; 06C360) License No. 38099. On February 11, 2008, David Kyle Stultz surrendered his general contractors license and examination credentials to the Board. The Board considers surrender of license and examination credentials as permanent revocation.

Pro Builder Group, Inc. (Wake Co.; 06C463 & 06C437) License No. 58034. On February 12, 2008, Joshua Ford surrendered the corporate license and his examination credentials to the Board. The Board considers surrender of license and examination credentials as permanent revocation.

Premier Home Builders, LLC (Buncombe Co.; 08C35) License No. 60951 - On February 14, 2008, Howard E. Bowen voluntarily surrendered the license of Premier Home Builders, LLC to the Board. The Board considers surrender of license as permanent revocation.

BJ & M Construction, Inc. (Cumberland Co.; 07C469) License No. 59144. On April 18, 2008, John Johnson voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Natural Timber Log Homes, Inc. (Buncombe Co.; 07C265 & 07C329) License No. 58179. On July 24, 2008, Richard M. Jenkins voluntarily surrendered the corporate license of Natural Timber Log Homes, Inc. to the Board. The Board considers surrender of license as permanent revocation.

Wayne G. Davis Builders, Inc. (Granville Co.; 07C05) License No. 53054. On August 15, 2008, Wayne Davis voluntarily surrendered the corporate license of Wayne G. Davis Builders, Inc. to the Board. The Board considers surrender of license as permanent revocation.

Joel Wayne Davis (Granville Co.; 07C05) On August 15, 2008, Joel Wayne Davis voluntarily surrendered his examination credential to the Board. The Board considers surrender of examination credentials as permanent revocation.

RenSol LLC (Henderson Co.; 08C200 & 08C206) License No. 62075. On September 4, 2008, John F. Peil voluntarily surrendered the corporate license and his examination credentials to the Board. The Board considers surrender of license and examination credentials as permanent revocation.

Grace Architectural, LLC and Shawn David Donovan, as Qualifier (Orange County; 08C42) License No. 64736. On September 9, 2008, Shawn David Donovan, qualifier, registered agent and member for Grace Architectural, LLC, voluntarily surrendered the corporate license to the Board. Shawn Donovan also voluntarily surrendered his examination credentials to the Board. The Board considers

surrender of license and examination credentials as a permanent revocation.

Lakeview Custom Homes of NC, LLC (Granville County; 06C271) License No. 54101. On October 15, 2008, Melody C. Martin voluntarily surrendered the corporate license and her examination credentials to the Board. The Board considers surrender of license as permanent revocation.

Consent Orders (Licensees)

Willco Service Company and Jonathan Williams, as Qualifier (Pitt County; 06C297) License No. 47097. On October 11, 2007, the Board filed Consent Orders in which Willco Service Company and Jonathan Williams agreed to a thirty-six (36) months suspension of License No. 47097, conditionally restored following twelve (12) months active suspension. Also, Mr. Williams' examination credentials were suspended for thirty-six (36) months, conditionally restored following twelve (12) months active suspension.

David William Goomis and David William Goomis, as Qualifier (Gaston County; 06C163) License No. 20889. On November 2, 2007, the Board filed Consent Orders in which Mr. Goomis agreed as licensee and qualifier to a reprimand. Mr. Goomis also agreed to take and pass a Standard Level 1 Building code course or an equivalent course dealing with the residential code, within twelve (12) months and provide verification of his satisfactory completion to the Board.

Conboy & Mannion Contracting, Inc. (New York; 06C51) License No. 45739. On February 29, 2008 the Board filed Consent Orders in which Conboy & Mannion Contracting, Inc. agreed to a suspension of License No. 45739. The suspension is for eighteen (18) months, conditionally restored following a six (6) month active suspension. The

licensee also agreed to pay the Board \$4,206.00 for its costs in investigating and preparing the case for the hearing.

Warren Wallace Breaux and Warren Wallace Breaux, as Qualifier (Ashe County; 05C402) License No. 57697. On November 5, 2007, the Board filed Consent Orders in which Mr. Breaux both as licensee and as qualifier, agreed to nine (9) months suspension.

Blue Valley Builders, LLC and Danny Anthony Grindle, as Qualifier (Macon County; 06C198) License No. 54055. On November 15, 2007, the Board filed Consent Orders in which Blue Valley Builders, LLC and Danny Anthony Grindle agreed to a one (1) year suspension of License No. 54055, conditionally restored following a four (4) month active suspension. Mr. Grindle agreed to take and pass a Standard Level 1 Building code course, or an equivalent course dealing with the residential code, within twelve months and provide verification of his satisfactory completion to the Board. Mr. Grindle's examination credentials also were suspended for one (1) year, conditionally restored following a four (4) month period of active suspension.

Paul W. Bryant t/a Bryant Custom Builders and Paul Weston Bryant, as Qualifier (Perquimans County; 06C236, 06C260) License No. 44362. On January 22, 2008 the Board filed Consent Orders in which Paul W. Bryant t/a Bryant Custom Builders and Paul Weston Bryant agreed to a one (1) year suspension of License No. 44362. Mr. Bryant's examination credentials were also suspended for one (1) year.

Dreambuilders Enterprises, Inc. and Louis Tufillaro, as Qualifier (Wake County; 06C324) License No. 57218. On January 23, 2008 the Board filed Consent Orders in which Dreambuilders Enterprises, Inc. and Louis Tufillaro agreed to a one (1) year suspension of License No. 57218,



conditionally restored following a four (4) month active suspension. Mr. Tufillaro's examination credentials also were suspended for one (1) year, conditionally restored following a four (4) month active suspension.

KAE Company, Inc. and Mark K. Holsonback, as Qualifier (Alamance County; 06C289) License No. 58157. The Board entered into Consent Orders on April 4, 2008 in which KAE Company, Inc. and Mark K. Holsonback agreed to a one (1) year suspension of License No. 58157 and examination credentials. The license and examination credentials shall be conditionally restored for fifteen (15) months beginning on the effective date of the Consent Orders. If License No. 58157 was inactive as of date on which Consent Order was executed, and if Mr. Holsonback was not a qualifier for an active license on that date, all conditions are tolled until the license is renewed and he is a qualifier for an active license. Mr. Holsonback agreed to take and pass a Standard Level 1 Residential Building Code course, or equivalent course dealing with the residential code, and provide verification of his satisfactory completion to the Board within twelve (12) months. Also, Mr. Holsonback agreed to submit an audited financial statement when renewing his license.

Leonard Kenneth Bealer, as Qualifier (Iredell County; 06C358) License No. 47656. On April 16, 2008 the Board filed a Consent Order in which Mr. Bealer, as qualifier agreed to a reprimand. Mr. Bealer also agreed to take and pass a Level I Building code course or an equivalent course dealing with the residential code, within twelve (12) months and provide verification of his satisfactory completion to the Board.

Donald Edward Moore, Sr. and Donald Edward Moore, Sr. as Qualifier (Cumberland County; 05C112, 05C133, 06C148, 07C292, 07C468, 07C469) License No. 55076.

On March 24, 2008 the Board filed Consent Orders in which Mr. Moore, both as licensee and as qualifier, agreed to a one (1) year suspension of License No. 55076 and examination credentials, conditionally restored following an eight (8) month suspension. The Board also required Mr. Moore to submit a statement explaining why and how his conduct was in violation of Chapter 87 of the North Carolina General Statutes and the Board's rules and regulations.

Ward Ward, Inc. and Harley Ward, as Qualifier (Watauga County; 07C06) License No. 37645. On March 10, 2008 the Board filed Consent Orders in which Ward Ward, Inc. and Harley Ward as qualifier agreed to a ninety (90) day suspension of License No. 37645, conditionally restored following a forty-five (45) day active suspension. Mr. Ward's examination credentials were suspended for ninety (90) days, but conditionally restored following forty-five (45) days active suspension.

Robert W. Gregg and Robert W. Gregg, as Qualifier (Jackson County, 07C74 and 07C365) License No. 51340. On April 30, 2008 the Board filed Consent Orders in which Mr. Gregg, both as licensee and as qualifier agreed to a one (1) year suspension of License No. 51340 and examination credentials, conditionally restored following a six (6) month active suspension. The Board also required Mr. Gregg to submit a statement explaining why and how his conduct was in violation of Chapter 87 of the North Carolina General Statutes and the Board's rules and regulations.

Bollinger Corporation, Inc. and Phillip B. Bollinger, as Qualifier (Caldwell County; 06C127 and 07C417) License No. 46661 and **Clayco Real Estate Services, LLC and Phillip B. Bollinger, as Qualifier** (Caldwell County, 06C127 and 07C417) License No. 61958.

On May 15, 2008 the Board filed Consent Orders in which Bollinger Corporation, Inc., License No. 46661 and Clayco Real Estate Services, LLL, License No. 61958 agreed to a reprimand. Also, Phillip B. Bollinger, as Qualifier agreed to a reprimand.

Honeycutt Construction, Inc. and Bobby Dean Honeycutt, as Qualifier (McDowell County; 07C311) License No. 34613. On May 2, 2008, the Board filed Consent Orders in which Honeycutt Construction, Inc. and Bobby Dean Honeycutt agreed to a reprimand for License No. 34613. Mr. Honeycutt, as qualifier also agreed to a reprimand.

Scott Curtis Construction, Co., Inc. and Paul Scott Curtis, as Qualifier (Caldwell County; 06C374) License No. 43317. On June 5, 2008 the Board filed Consent Orders in which Scott Curtis Construction, Co., Inc. and Paul Scott Curtis agreed to a six (6) month suspension, conditionally restored with no active suspension. Mr. Curtis' examination credentials also were suspended for six (6) months, conditionally restored with no active suspension.

Northgate Builders, Inc. and Anthony Dewayne Sessoms, as Qualifier (Guilford County; 07C42) License No. 46095. On June 5, 2008 the Board filed Consent Orders in which Northgate Builders, Inc. and Anthony Dewayne Sessoms agreed to a ninety (90) day suspension of License No. 46095, conditionally restored with no active suspension. Mr. Sessoms' examination credentials were suspended for ninety (90) day, conditionally restored with no active suspension. Mr. Sessoms will submit a current audited financial statement and classified balance sheet when he renews his license.

Michael Kevin Bradshaw and Michael Kevin Bradshaw, as Qualifier (Catawba County; 07C256) License No. 14972. On June 13, 2008 the Board filed Consent Orders in

which Michael Kevin Bradshaw, individually and as qualifier agreed to a six (6) month suspension of License No. 14972, conditionally restored with no active suspension. Mr. Bradshaw's examination credentials also were suspended for six (6) months, conditionally restored with no active suspension.

Jeffrey Dwayne Shrock and Jeffrey Dwayne Shrock, as Qualifier (Pitt County; 07C85) License No. 40885.

The Board entered into Consent Orders on September 8, 2008 with Jeffrey Dwayne Shrock, both as licensee and qualifier. He agreed to a twelve (12) month suspension, to be stayed and his license and exam credentials placed on probation for twelve months. Mr. Shrock agreed to take and pass a Level 1 Residential Building code course within twelve (12) months and provide verification of his satisfactory completion to the Board.

Simon Joseph Robinette and Simon Joseph Robinette, as Qualifier

(Ashe County; 07C426 and 07C436) License No. 51394. On August 20, 2008 the Board filed Consent Orders in which Simon Joseph Robinette, both as licensee and as qualifier agreed to revocation of both his license and examination credentials. The revocation of both Mr. Robinette's license and examination credentials was stayed, provided Mr. Robinette submitted to the Board information concerning his two current unfinished construction projects and an estimated date of completion. Revocation will become effective the next calendar day following the last estimated date of completion of the two unfinished projects.

Jeff W. Soden, Inc. and Richard Gant Vass, as Qualifier (Virginia; 07C245) License No. 47721. On August 25, 2008 the Board filed a Licensee Consent Order in which the license of Jeff W. Soden, Inc. was suspended for a period of two (2) years. The Licensee agreed to take and pass

a law and administration course or equivalent course within twelve (12) months and provide verification of his satisfactory completion to the Board.

Mid Atlantic Renovation, Inc.

(Georgia; 07C330) License No. 47412. On September 11, 2008 a Licensee Consent Order was filed in which Mid Atlantic Renovation, Inc. agreed to a two (2) year period of active suspension.

Kevin T. Rushing and Kevin T. Rushing, as Qualifier

(Union County; 08C33) License No. 48551. On September 19, 2008, the Board entered into a Consent Order with Kevin T. Rushing in which Kevin Rushing as licensee agreed to a one (1) year suspension of license; the license suspension was stayed and conditionally restored. The Board also entered into a Consent Order with Rushing as Qualifier, in which he agreed to a one (1) year suspension of exam credentials; the suspension was stayed and conditionally restored.

Unlicensed Contractor Cases—Injunctions

Default Judgment: Permanent Injunctions were obtained by entry of a Default Judgment in Wake County Superior Court against each of the unlicensed contractors listed below for practicing general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13. In some instances, the Sheriff was unable to locate the contractors and/or Certified Mail was not delivered, but the Board effected service either by newspaper publication or through the Office of the Secretary of State; contractors were enjoined from further practice of general contracting (including bidding) in an amount of \$30,000 or more until such time as he/she becomes licensed by the Board.

Bobby Ray d/b/a Tri-Star Home Improvement (Gaston County;

07C56). Bobby Ray d/b/a Tri-Star Home Improvement undertook to re-shingle and construct an addition onto a home in Belmont and was paid \$32,674. Default Judgment was entered on November 27, 2007.

Lapco, Inc. d/b/a Shoreline Pool Builders (Virginia; 07C67). Lapco, Inc. d/b/a Shoreline Pool Builders contracted to construct a swimming pool in Corolla for a cost of \$32,790. It misrepresented the cost of the project as \$25,000 on the Application for Building Permit from Currituck County. Default Judgment was entered on November 29, 2007.

George Weeks d/b/a Weeks Construction (Vance County; 06C459). George Weeks d/b/a Weeks Construction contracted to renovate a home in Warrenton for a cost of \$48,000. Default Judgment was entered on November 29, 2007.

Douglas Bulla and Crystal Coast Builders of Jacksonville, Inc. (Onslow County; 06C440). Mr. Bulla submitted a falsified/forged certificate of license for Crystal Coast Builders of Jacksonville, Inc. to Cooperative Bank in connection with repairs to the bank. Default Judgment was entered on November 29, 2007.

Nationwide Painting & Renovations, Inc. (Durham County; 06C439). Nationwide Painting & Renovations, Inc. contracted to renovate a home in Chapel Hill for a cost of \$27,500, but the homeowner paid them \$31,325 for the work. Default Judgment was entered on November 29, 2007.

Lucious Oliver d/b/a Kingdom Construction (Beaufort County; 06C480). Lucious Oliver d/b/a Kingdom Construction contracted to renovate and construct an addition onto a home in Beaufort County for a cost of \$57,675. Default Judgment was entered on November 29, 2007.

Mark Stanley (New Hanover County; 06C157). In September 2005, Mr. Stanley contracted to construct an addition onto a home in Louisburg for a cost of \$52,000. Four months later he contracted with the same homeowners to construct a garage and remodel the home for a cost of \$52,600. Default Judgment was entered on November 29, 2007.

Hargrove Home Service, Inc. (Vance County; 06C403). Hargrove Home Service, Inc. contracted to remodel and construct a deck onto a home in Henderson for a cost of \$30,525. Default Judgment was entered on November 29, 2007.

Ron Petty d/b/a Briar Creek Construction (Haywood County; 07C48). Ron Petty d/b/a Briar Creek Construction undertook to construct and/or superintend or manage the construction of a home in Waynesville with an estimated cost of \$300,000. The home was subsequently sold. Ron Petty d/b/a Briar Creek Construction contracted with the new homeowner to construct a garage on the property for a cost of \$68,000. Default Judgment was entered on November 30, 2007.

Chad G. Johnson d/b/a Top Notch Construction (Henderson County; 06C477). Chad G. Johnson d/b/a Top Notch Construction submitted a bid to construct a garage in Hendersonville for a cost of \$55,800. Three months later Chad G. Johnson d/b/a Top Notch Construction contracted to

renovate a home in Hendersonville for a cost of \$33,560. The homeowners paid approximately \$48,000 for work on the house, which was never completed. Default Judgment was entered on November 30, 2007.

Lewis Log Homes, LLC (Clay County; 06C446). Lewis Log Homes, LLC contracted to construct a log home in Topton for a cost of \$299,550. Default Judgment was entered on November 30, 2007.

Mathers Construction, Inc. (Florida; 07C76). Mathers Construction, Inc. undertook to superintend or manage the renovation of a mall in Asheville where the cost of the project exceeded \$300,000. Default Judgment was entered on November 30, 2007.

Joel E. Klass d/b/a B&J Construction (Brunswick County; 06C368). Joel E. Klass d/b/a B&J Construction contracted to construct a 175 foot vinyl bulkhead with two whalers for a cost of \$48,125. Default Judgment was entered on November 30, 2007.

Charles Ackerman d/b/a Ackerman & Associates (Mecklenburg County; 06C389). Charles Ackerman d/b/a Ackerman & Associates verbally contracted to construct an addition onto a home in Charlotte for a cost in excess of \$47,000. Default Judgment was entered on March 28, 2008.

Jose L. Garcia (Mecklenburg County; 06C388). Mr. Garcia undertook construction of a home in Mooresville. Later that year he entered into an Offer to Purchase and Contract to sell the home at a price of \$378,300. Default Judgment was entered on March 28, 2008.

Sammy Mullis (Catawba County; 06C404). Mr. Mullis contracted to remodel a home in Kannapolis for a cost of \$30,300. Default Judgment was entered on March 28, 2008.

David Christopher Wrenn d/b/a elite Construction (Gaston County; 07C274). David Christopher Wrenn d/b/a elite Construction contracted to repair and renovate a home in Mecklenburg County for a cost in excess of \$30,000. Default Judgment was entered on April 18, 2008.

Harry J. "Buz" Grizzle d/b/a Stonewall/Buccaneer Construction (Virginia; 07C382). Harry J. "Buz" Grizzle d/b/a Stonewall/Buccaneer Construction submitted a proposal to construct a "turnkey" log home in Martin County for a cost of \$263,700. Default Judgment was entered on April 18, 2008.

Charles L. Rogers d/b/a Lifetime Houses and Witco (Beaufort County; 07C127). Charles L. Rogers d/b/a Lifetime Houses and Witco submitted a proposal to construct a home in the City of Washington for \$68,750 and thereafter undertook construction of the home. Default Judgment was entered on April 18, 2008.

Verlin Scott Six and Foothill Builders of the Carolinas, Inc. (South Carolina; 07C18). Verlin Scott Six and Foothill Builders of the Carolinas, Inc. contracted to construct a log home in Saluda for a cost of \$201,136. Default Judgment was entered on May 27, 2008.

Consent Orders of Unlicensed Contractors:

Permanent Injunctions were obtained by entry of a Consent Order in Wake County Superior Court concerning each of the following unlicensed contractors who practiced general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13, but who admitted to their wrongdoing, paid court costs and service fees and cooperated with the Board in the matter.



Demo Doctor, Inc. (Florida; 06C451). Demo Doctor, Inc. undertook to superintend and manage the construction of a home in Cherokee County where the cost exceeded \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 3, 2007.

Scott A. Smith d/b/a Universal Enterprise (Wake County; 06C364). Scott A. Smith d/b/a Universal Enterprise contracted to remodel a home in Knightdale for a cost in excess of \$30,000. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 7, 2007.

Don Scarlett (Davidson County; 07C322). The Board contends that Mr. Scarlett undertook to expand and renovate a commercial in Davidson County where the cost exceeded \$30,000. Mr. Scarlett denied that he engaged in the unauthorized practice of general contracting, but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 11, 2007.

Peer Beveridge (Wake County; 06C326). Peer Beveridge contracted to renovate a home in Cary for a cost of \$29,000. The homeowner paid Peer Beveridge over \$30,000 for the work. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 24, 2007.

Guido Soto d/b/a Residential Paint Company (Durham County; 06C113). The Board contends that Mr. Soto

entered into two contracts to repair and paint a home in Cary for a cost or \$31,800. Mr. Soto denied that he engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 24, 2007.

Terry Cruse d/b/a Consolidated Construction (Onslow County; 06C205). Mr. Cruse contracted to construct a log home for a cost of \$115,000. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. The Consent Order was entered on October 29, 2007.

Rutledge Development, LLC (Mecklenburg County; 06C441). Rutledge Development, LLC contracted for the purchase and sale of a subdivision lot and a completed home at a cost in excess of \$30,000. The contract stated that a licensed general contractor would construct the home. Rutledge was unaware that its actions would be deemed the unauthorized practice of general contracting. Rutledge did not admit that it engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 7, 2007.

Vickie L. Smith (Wayne County; 06C19). The Board contends that Ms. Smith contracted to construct and/or manage the construction of a home in Goldsboro where the cost exceeded \$30,000. Ms. Smith denied that she engaged in the unauthorized practice of general contracting, but was willing to enter into a Consent Order to resolve the case. The parties agreed and

stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 15, 2007.

Gahts, Ltd. d/b/a Great Atlantic Pools & Spas (Virginia; 06C442). Defendant contracted to construct two swimming pools in Southern Shores and Corolla for a cost in excess of \$30,000 for each project, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 15, 2007.

Lewis & Associates Builders, Inc. (Carteret County; 06C37). In 2003, 2004, and 2005, Lewis & Associates Builders, Inc. undertook repairs and renovations for two condominium complexes in Atlantic Beach where costs exceeded \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 5, 2007.

All Creative Designs, L.L.C. d/b/a All Decked Out Pool & Spa (Wake County; 06C357). All Creative Designs, L.L.C. d/b/a All Decked Out Pool & Spa contracted to construct a swimming pool for a cost of \$31,480. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 21, 2007.

General Sports Venue, LLC (Michigan; 07C322). General Sports Venue, LLC submitted a proposal to construct athletic fields and install artificial turf in Mecklenburg County for a cost in excess of \$30,000. General Sports was unaware that its actions in submitting the bid would be deemed

the unauthorized practice of general contracting, as it was advised that it could submit a bid when work would be performed by a local licensed contractor. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 21, 2007.

Bobby Bright d/b/a B & P Services (Carteret County; 07C189). Bobby Bright d/b/a B & P Services submitted a bid to the Town of Emerald Isle to repair and replace a pier for a cost of \$67,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 28, 2008.

Chester Smith (Beaufort County; 07C221). Mr. Smith obtained a building permit from Beaufort County to construct a personal residence for his daughter for an estimated cost of \$100,000. His daughter decided not to move to Beaufort County. Mr. Smith sold the home, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 28, 2008.

Expertech Network Installation (U.S.) Inc. (Nevada/Florida; 07C155). Expertech Network Installation (U.S.) Inc. submitted a bid to install fiber cable between Garner and Selma for a cost in excess of \$30,000. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2008.

Ammon Miller d/b/a Miller Building Systems Co. (Pitt County; 06C368). Ammon Miller d/b/a Miller Building

Systems Co. contracted to construct a horse barn in Martin County for a cost in excess of \$30,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2008.

Orie John Bradshaw (Sampson County; 07C389). Mr. Bradshaw obtained a building permit to construct a personal residence for an estimated cost of \$263,800. The Certificate of Occupancy was issued April 2, 2007. Mr. Bradshaw listed the home for sale July 2007, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2008.

Fieldturf USA, Inc. (Florida; 07C323). Fieldturf USA, Inc. submitted a proposal to Charlotte-Mecklenburg Procurement Services ("C-MPS") to construct athletic fields and install artificial turf for a cost in excess of \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting as it was advised by C-MPS that its bid submission was proper. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 8, 2008.

Bob G. Neal Grading Service, Inc. (Wake County; 07C289). Bob G. Neal Grading Service, Inc. undertook a grading project to grade property for soccer fields where the cost of the project exceeded \$30,000, unaware that its actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of

the Consent Order. A Consent Order was entered on February 8, 2008.

George A. Pass, Sr. (Guilford County; 07C228). Mr. Pass contracted to construct an addition onto a home in Browns Summit for a cost of \$45,500. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 8, 2008.

Jeff Shipman d/b/a Southeastern Asphalt (Henderson County; 07C200). Mr. Shipman on behalf of Jeffrey B. Shipman Enterprises d/b/a Southeastern Asphalt, entered into a contract with Jones Lang Lasalle Americas, Inc. (JLLA) The contract included multiple parties in addition to the owner, and neither JLLA nor any of the other parties were general contractors and thus Mr. Shipman's status under the contract was not that of a subcontractor. As a result of Mr. Shipman's misunderstanding as to whether Southeastern Asphalt would qualify as subcontractor, he was unaware that his actions relating to the contract would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 14, 2008.

James C. Pate (Cumberland County; 07C123). Mr. Pate sent a letter to Duplin County Building Inspections Department stating that Pinemore Construction, Inc., a licensed general contractor had been hired as the exclusive construction manager and general contractor for Wickline Industries. At least three building permits were subsequently issued to Pinemore Construction, Inc. based on Mr. Pate's letter, and he believed that based on a prior relationship, Pinemore Construction, Inc. would serve as general contractor for the projects. Neither Mr. Pate nor

Pinemore Construction, Inc. reached an agreement with Wickline Industries or performed any work for Wickline Industries pursuant to the building permits. Mr. Pate never mentioned the potential projects to Pinemore Construction, Inc. and it was unaware of the Duplin County projects and did not authorize Mr. Pate to have permits issued in its name. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 14, 2008.

Jeanette Lukoskie (Mecklenburg County; 07C262). Ms. Lukoskie obtained a building permit from Mecklenburg County to remodel a home in Charlotte, with the total cost of the project over \$30,000. Before completion of the project, the house was under contract for sale. When the Mecklenburg County Building Inspector placed a stop-work order on the project, Ms. Lukoskie engaged a licensed general contractor to complete the project. She was unaware that her actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 18, 2008.

Site Solutions of the Carolinas, Inc. (Buncombe County; 07C164, 07C165, 07C166, 07C179). Site Solutions of the Carolinas, Inc. contracted to pave and install utility lines for the Hamburg Mountain development where the cost of the projects exceeded \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting as it hired licensed subcontractors to perform the work. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 18, 2008.

Sun Coast Pools & Spas, Inc. (Dare County; 06C443). Sun Coast Pools & Spas, Inc. contracted to construct a swimming pool in Currituck County for a cost of \$30,632. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 18, 2008.

William L. Whaley, Jr. and WWH, L.L.C. (Lenoir County; 05C449). A licensed general contractor obtained a building permit from Onslow County to construct a home in Richlands for an estimated cost of \$50,000. William L. Whaley, Jr. and WWH, L.L.C. thereafter undertook construction of the home. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 27, 2008.

Ronald D. Steele (Brunswick County; 06C200). Mr. Steele obtained a building permit from Brunswick County to construct a personal residence for an estimated cost of \$137,145. Prior to completion of construction, he listed the home for sale for a cost of \$545,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 4, 2008.

Dennis Spaulding (Brunswick County; 06C315). Dennis Spaulding undertook to manage the construction of a home in Supply, North Carolina where the cost exceeded \$30,000. Mr. Spaulding did not admit that he engaged in the unauthorized practice of general contracting, but was willing to enter into a consent order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 4, 2008.

Maritime Partners, LLC (Craven County; 06C207). The Board contends that Maritime Partners, LLC undertook construction of a dock and bulkhead for a cost in excess of \$30,000. Maritime Partners, LLC denied that it engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 7, 2008.

Dennis McCall d/b/a A+ Builders (Virginia; 06C263). Mr. McCall contracted to construct a modular home for a cost of \$254,097.74. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 7, 2008.

John Rumph and Dreamworks Design & Remodeling, Inc. (Wake County; 07C156). The Board contends that Dreamworks Design & Remodeling, Inc. contracted to remodel a home in Apex on a time and materials basis where the cost exceeded \$30,000. Dreamworks Design & Remodeling, Inc. denied that it engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 14, 2008.

Eric Ellis (Carteret County; 07C190). Mr. Ellis contracted to construct a dock and boatlift for a cost of \$35,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 26, 2008.

Steve Cosgrove d/b/a Blue Ridge Custom Builders (Jackson County; 07C395). Steve Cosgrove d/b/a Blue Ridge Custom Builders contracted to renovate and construct an addition onto a home in Swain County for a cost of \$56,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 8, 2008.

Yancey Homes, Inc. (Mecklenburg County; 07C137). The Board contends that Yancey Homes, Inc. obtained a building permit from Lincoln County to construct a personal residence and thereafter undertook construction of the home. The home was later listed for sale for \$665,000. Yancey Homes, Inc. denied that it engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 8, 2008.

Dennis J. Gerber (Hertford County; 06C393). Mr. Gerber contracted with two others to construct a home in Hertford and split the profit from the sale of the home after construction. The contract listed Mr. Gerber's inactive license number. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 17, 2008.

Ed "Butch" Conz d/b/a Carolina Custom Contractors, Inc. (Mecklenburg County; 07C303). Ed "Butch" Conz d/b/a Carolina Custom Contractors, Inc. contracted to construct an outdoor living space in Mooresville for a cost of \$51,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings

of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 18, 2008.

Roger F. Pernell, Jr. d/b/a Pernell Construction (Nash County, 07C204). Roger F. Pernell, Jr. d/b/a Pernell Construction contracted to build a storage shed and construct an addition onto a home in Nash County for a cost in excess of \$30,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 1, 2008.

Dale Miller d/b/a D.M. Construction (Forsyth County; 06C329). Dale Miller d/b/a D.M. Construction contracted to construct an addition onto a home in Winston-Salem for a cost of \$40,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 1, 2008.

Stephen Sears d/b/a Stephen Sears Home Repair (New Hanover County; 07C192). Mr. Sears contracted to renovate a home in Wilmington for a cost of \$57,600, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 7, 2008.

Ashley Brooks d/b/a Shoreline Marine Construction (Carteret County; 07C191). Mr. Brooks submitted a proposal to erect a seawall for a cost of \$53,500, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of

the Consent Order. A Consent Order was entered on July 10, 2008.

Bill Peterman d/b/a Jag Construction and d/b/a Custom Design Construction (Mecklenburg County; 06C438). Mr. Peterman contracted to construct an addition onto a home in Gaston County, the cost of which exceeded \$30,000. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 14, 2008.

Peter W. Nehl (New York; 07C129, 07C140). The Board contended that Mr. Nehl obtained a building permit from the City of Gastonia to remodel a personal residence where the total cost of construction exceeded \$30,000 and thereafter sold the residence without residing in it for twelve months. Mr. Nehl denied that he engaged in the unauthorized practice of general contracting, but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 24, 2008.

Steve Simmons d/b/a Simmons Construction and Simmons Construction Co. (Brunswick County; 07C235). Mr. Simmons contracted to perform grading and erect the storm drain, gravity sewer and water system for a subdivision in Brunswick County for a cost in excess of \$30,000. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on August 4, 2008.

Monolith Hospitality, Inc. (Georgia; 07C358). Monolith Hospitality, Inc. undertook to superintend and manage the remodeling of a hotel and conference center where the cost of the project exceeded \$30,000, unaware that its actions would be deemed the unlicensed practice

of general contracting. The parties stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 2, 2008.

Dinizo Construction Services, LLC (Wake County; 07C163). Dinizo Construction Services, LLC submitted a proposal to remodel a basement for a cost in excess of \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 9, 2008.

Jim Hipp (Surry County; 07C410). Mr. Hipp submitted a “contractors invoice” to homeowners in which he proposed to construct a workshop and remodel a home in Surry County for \$80,616.78. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 9, 2008.

D-Pek, Inc. (Transylvania County; 07C429). D-Pek, Inc. contracted to construct a detached two car garage in Jackson County for a cost of \$51,657.09, unaware that its actions would be deemed the unlicensed practice of general contracting as its principal was licensed. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 17, 2008.

Jim Foster d/b/a Foster's Restorers (Wilkes County; 07C522). Mr. Foster undertook to superintend or manage the construction of a residence in Wilkes County where the cost of construction exceeded \$30,000. The parties agreed and stipulated the finding of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on September 30, 2008.

Rick W. Minton d/b/a Advanced Building Technologies (Carteret County; 07C258). Mr. Minton contracted to repair ceilings and replace handrails for a beach and racquet club for a cost of \$29,446. Subsequent change orders increased the project to \$36,788. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 1, 2008.

Raymond David Stanley, Sr. (Rockingham County; 08C87). Mr. Stanley obtained a building permit from Rockingham County to construct a personal residence for a cost of \$80,544. He never resided in the home and leased it to a third party. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 1, 2008.

Other:

The unlicensed contractor cases below were resolved with the Board by other means:

David Blevins (New Hanover County; 06C294). David Blevins contracted to construct a room over a garage where the estimated cost was \$31,920. Mr. Blevins was paid \$4,000 but never began work on the project. A permanent injunction was obtained in Wake County Superior Court on February 1, 2008 when the Court allowed the Board's Motion for Summary Judgment against David Blevins.

Unlicensed Contractors Subject to Contempt Sanctions:

Criminal Contempt Cases

In February 2002, the Board filed a lawsuit against Christopher Plummer for contracting without a license. In August 2002, the Court entered a Default Judgment that

prohibited Christopher Plummer from engaging in the further practice of general contracting.

In March 2004, the Court entered a Consent Order holding Mr. Plummer in Civil Contempt of Court for a prior violation of the Court's August 2002 Default Judgment. In January 2006, Mr. Plummer contracted to construct a home in Black Mountain for a cost of \$501,768.58. In an Order signed by a Wake County Superior Judge, Mr. Plummer was found guilty of criminal contempt of court. He was sentenced to a jail term of 30 days.

Unlicensed Contractors Subject to Contempt Sanctions:

Criminal Contempt Cases

In December 2006, the Board filed a lawsuit against Duncan Marine Contractors, Inc. for contracting without a license. In January 2007, the Court entered a Consent Order that prohibited Duncan Marine Contractors, Inc. from engaging in the further practice of general contracting.

In June 2007, Duncan Marine submitted two proposals to construct bulkheads for costs in excess of \$300,000.00.

In a Consent Order signed by a Wake County Superior Court Judge, Duncan Marine was found to have committed civil contempt of court. In order to purge itself of the contempt, Duncan Marine paid the costs of the investigation and prosecution and made a donation to the New Hanover Humane Society.



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